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Mark Miskie

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SCHWARTZ LAW FIRM, P.C.  
6100 FAIRVIEW ROAD  
SUITE 11350  
CHARLOTTE, NC 28210

EXAMINER

RICHERT, MARY ELIZABETH

ART UNIT

PAPER NUMBER

4128

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,368	<b>Applicant(s)</b> MISKIE, MARK	
	<b>Examiner</b> MARY E. RICHERT	<b>Art Unit</b> 4128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/04/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

- a. “indexing elements” of claim 1, lines 10 and 11; claim 3, line 1; claim 10, lines 12 and 13; claim 11, line 2; claim 13, line 2; claim 14, lines 1-2 and 4; claim 15, lines 1-2; claim 16, lines 1-2; and claim 17, lines 5 and 6
- b. “outer shape-retaining shell” of claim 11, line 2
- c. “first and second fingers” of claim 14, lines 2 and 5

No new matter should be entered.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: “22” in Fig. 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

Art Unit: 4128

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The indexing elements discussed in claim 1, lines 10 and 11; claim 3, line 1; claim 10, lines 12 and 13; claim 11, line 2; claim 13, line 2; claim 14, lines 1-2 and 4; claim 15, lines 1-2; claim 16, lines 1-2; and claim 17, lines 5 and 6 are never specifically discussed or labeled in the specification. What specifically is the applicant referring to when claiming the indexing elements? What do the indexing element's index? What is the purpose of indexing?

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 4128

6. Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 10 recites the limitation "the incontinence device" in lines 7 and 11. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 4-8, 10-12, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Choksi (US 5,727,594).

For reference Figure 1, please refer to annotated Figure 1 below

All reference numbers refer to Choksi, unless otherwise noted.

Regarding claim 1, Choksi discloses a collection bag (76 in Fig. 1) adapted for communicating with a male incontinence device (Fig. 1) capable of covering a portion of the penis, the collection bag (76 in Fig. 1) comprising:

first (1 in Fig. 1) and second (2 in Fig. 1) opposing flexible side walls joined together and forming a fluid container (76 in Fig. 1) for holding urine (see column 1, lines 45-49); and

Art Unit: 4128

a cylindrical bag neck (3 in Fig. 1) formed with the first (1 in Fig. 1) and second (2 in Fig. 1) side walls and defining a mouth (4 in Fig. 1) for receiving urine passed through the incontinence device (Fig. 1) and into the fluid container (76 in Fig. 1),

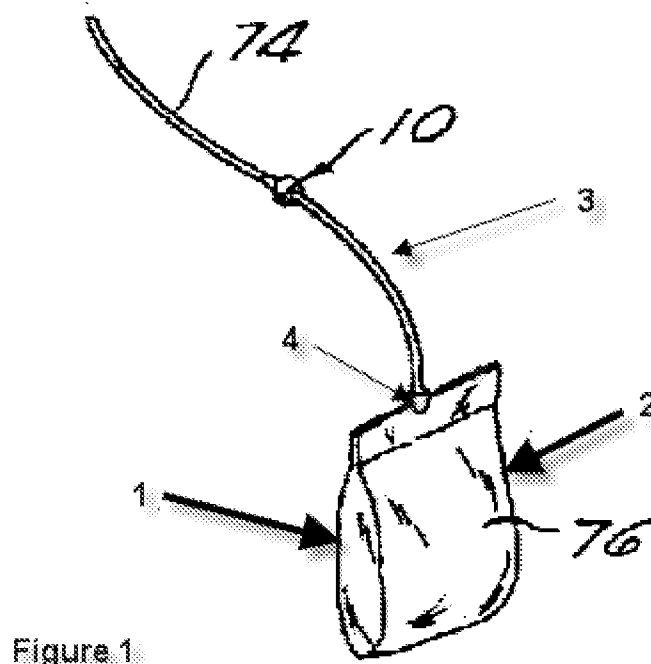
the bag neck (3 in Fig. 1) comprising a rigid valve cap (16 in Fig. 5), and

the valve cap (16 in Fig. 5) comprising:

an internal check valve (54 in Fig. 4) for controlling urine flow outwardly from and into the incontinence device (Fig. 1; see column 1, lines 6-9);

multiple circumferentially-spaced indexing elements (50 and 72 in Fig. 5); and

the indexing elements (50 and 72 in Fig. 5) cooperating to position the valve cap (16 in Fig. 5) relative to the incontinence device (Fig. 1), such that the check valve (54 in Fig. 4) is locatable in a single operative orientation (see Fig. 5).



Regarding claim 2, Choski discloses a collection bag (76 in Fig. 1) wherein the valve cap (16 in Fig. 5) comprises an enlarged-diameter connecting portion (32 and 48 in Fig. 5) capable of receiving an open end (20 in Fig. 5) of the incontinence device (Fig. 1), and

an integrally-formed, reduced-diameter cylindrical valve housing (58 in Fig. 5) containing the check valve (54 in Fig. 4).

Regarding claim 4, Choksi discloses a collection bag (76 in Fig. 1), wherein an outer circumference (32b in Fig. 10a and 16b in Fig. 10b) of the connecting portion (32 and 48 in Fig. 5) comprises visual markers (80 in Fig. 10a and 82 in Fig. 10b) adapted to facilitate application of the rigid valve cap (16 in Fig. 5) to the incontinence device (Fig. 1).

Regarding claim 5, Choksi discloses a collection bag (76 in Fig. 1) comprising a perforated (68 in Fig. 6) inlet wall (56 in Fig. 6) formed within the valve housing (58 in Fig. 5).

Regarding claim 6, Choksi discloses a collection bag (76 in Fig. 1), wherein the check valve (54 in Fig. 4) comprises a pivoted disk (60 in Fig. 6) residing in a normally closed position (see column 6, lines 20-22) seated against the perforated (68 in Fig. 6) inlet wall (56 in Fig. 6) to restrict back flow of fluid (see column 1, lines 52-56) from the fluid container (76 in Fig. 1) to the incontinence device (Fig. 1), and

when under a minimum crack pressure, the pivoted disk (60 in Fig. 6) moving to a temporarily open position (Fig. 8) away from the perforated (68 in Fig. 6) inlet wall (56

Art Unit: 4128

in Fig. 6) to allow free fluid flow from the incontinence device (Fig. 1) to the fluid container (76 in Fig. 1; see column 2, lines 13-18).

Regarding claim 7, Choksi discloses a collection bag (76 in Fig. 1) comprising a retainer ring (66 in Fig. 6) residing inside the valve housing (58 in Fig. 5) and is capable of holding the pivoted disk (60 in Fig. 6) in position adjacent the perforated (68 in Fig. 6) inlet wall (56 in Fig. 6).

Regarding claim 8, Choksi discloses a collection bag (76 in Fig. 1) wherein the pivoted disk (60 in Fig. 6) is formed of a flexible elastomer (see column 2, lines 46-47).

Regarding claim 10, Choksi discloses an incontinence management system (Fig. 1), comprising:

- an elongated receptacle (74 in Fig. 1) capable of covering a portion of the penis;
- and

- a collection bag (76 in Fig. 1) communicating with the receptacle (74 in Fig. 1),
- and comprising:

- first (1 in Fig. 1) and second (2 in Fig. 2) opposing flexible side walls joined together and forming a fluid container (76 in Fig. 1) for holding urine (see column 1, lines 45-49); and

- a cylindrical bag neck (3 in Fig. 1) formed with the first (1 in Fig. 1) and second (2 in Fig. 1) side walls and defining a mouth (4 in Fig. 1) for receiving urine passed through the incontinence device (74 in Fig. 1) and into the fluid container (76 in Fig. 1),

- the bag neck (3 in Fig. 1) comprising a rigid valve cap (16 in Fig. 5), and

- the valve cap (16 in Fig. 5) comprising:



an internal check valve (54 in Fig. 4) for controlling urine flow outwardly from and into the incontinence device (Fig. 1; see column 1, lines 6-9);

multiple circumferentially-spaced indexing elements (50 and 72 in Fig. 5); and

the indexing elements (50 and 72 in Fig. 5) cooperating to position the valve cap (16 in Fig. 5) relative to the incontinence device (Fig. 1), such that the check valve (54 in Fig. 4) is locatable in a single operative orientation (see Fig. 5).

Regarding claim 11, Choksi discloses an incontinence management system (Fig. 1), wherein the receptacle (74 in Fig. 1) comprises an outer shape-retaining shell (dashed line in Fig. 13) having a reduced-diameter receptacle neck (22 in Fig. 5) defining an open end (20 in Fig. 5) communicating with the mouth (4 in Fig. 1) of the bag neck (3 in Fig. 1).

Regarding claim 12, Choksi discloses an incontinence management system (Fig. 1), wherein the valve cap (16 in Fig. 5) comprises an enlarged-diameter connecting portion (32 and 48 in Fig. 5) capable of receiving an open end (20 in Fig. 5) of the receptacle neck (22 in Fig. 5), and

an integrally-formed, reduced-diameter cylindrical valve housing (58 in Fig. 5) containing the check valve (54 in Fig. 4).

Regarding claim 17, Choksi discloses a rigid valve cap (16 in Fig. 5) capable of being used in an incontinence device (Fig. 1), the valve cap comprising:

an internal check valve (54 in Fig. 4) for controlling urine flow outwardly from and into the incontinence device (Fig. 1; see column 1, lines 6-9);

multiple circumferentially-spaced indexing elements (50 and 72 in Fig. 5); and

the indexing elements (50 and 72 in Fig. 5) cooperating to position the valve cap (16 in Fig. 5) relative to the incontinence device (Fig. 1), such that the check valve (54 in Fig. 4) is locatable in a single operative orientation (see Fig. 5).

Regarding claim 18, Choksi discloses a valve cap (16 in Fig. 5), wherein the valve cap (16 in Fig. 5) comprises an enlarged-diameter connecting portion (32 and 48 in Fig. 5) capable of receiving an open end (20 in Fig. 5) of the incontinence device (Fig. 1), and

an integrally-formed, reduced-diameter cylindrical valve housing (58 in Fig. 5) containing the check valve (54 in Fig. 4).

Regarding claim 19, Choksi discloses a valve cap (16 in Fig. 5) comprising a perforated (68 in Fig. 6) inlet wall (56 in Fig. 6) formed within the valve housing (58 in Fig. 5).

Regarding claim 20, Choksi discloses a valve cap (16 in Fig. 5), wherein the check valve (54 in Fig. 4) comprises a pivoted disk (60 in Fig. 6) residing in a normally closed position (see column 6, lines 20-22) seated against the perforated (68 in Fig. 6) inlet wall (56 in Fig. 6) to restrict back flow of fluid (see column 1, lines 52-56) from the fluid container (76 in Fig. 1) to the incontinence device (Fig. 1), and

when under a minimum crack pressure, the pivoted disk (60 in Fig. 6) moving to a temporarily open position (Fig. 8) away from the perforated (68 in Fig. 6) inlet wall (56 in Fig. 6) to allow free fluid flow from the incontinence device (Fig. 1) to the fluid container (76 in Fig. 1; see column 2, lines 13-18).

Art Unit: 4128

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

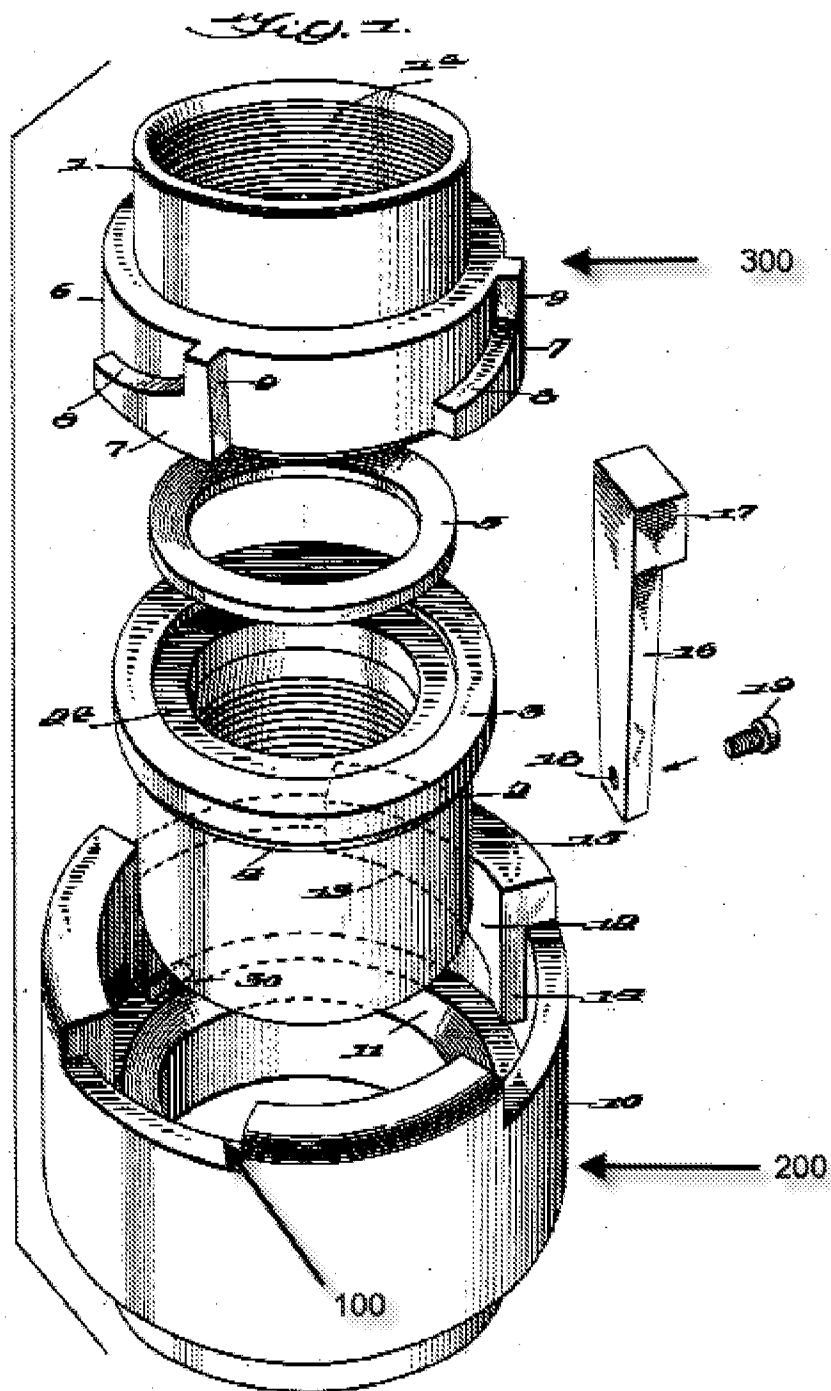
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 3 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choksi (as discussed supra), further in view of Waters (US 2,165,163).

For reference Figure 1 of Waters, please refer to annotated Figure 1 below.



Regarding claim 3, Choski discloses a collection bag (76 in Fig. 1) with indexing elements (50 and 72 in Fig. 5) but DIFFERS in that it does not disclose the indexing

Art Unit: 4128

elements to be spaced-apart along an inner circumference of the connecting portion of the valve cap. Attention, however, is directed to Waters. Waters discloses an enlarged-diameter connecting portion (Waters, 10 in Fig. 1) with indexing elements (Waters, 12 in Fig. 1) to be spaced-apart along an inner circumference (Waters, 100 in Fig. 1) of the connecting portion (Waters, 10 in Fig. 1) of the valve cap (Waters, 200 in Fig. 1).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Choksi to include the indexing elements to be spaced-apart along an inner circumference of the connecting portion, in view of the teachings of Waters, in order to facilitate rapid assembly and disassembly. Doing so allows for easy use of the device.

Regarding claim 13, Choksi discloses an incontinence management system but DIFFERS in that it does not include a receptacle neck with complementary indexing elements cooperating with the indexing elements on the valve cap to locate the check valve in a single operative orientation. Attention, however, is directed to Waters. Waters discloses a receptacle neck (Waters, 300 in Fig. 1) with complementary indexing elements (Waters, 9 in Fig. 1) cooperating with the indexing elements (Waters, 12 in Fig. 1) on the valve cap (Waters, 200 in Fig. 1) to locate the check valve (Waters, 4 in Fig. 1) in a single operative orientation. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Choksi to include a receptacle neck with complementary indexing elements cooperating with the indexing elements on the valve cap to locate the check valve in a single operative orientation, in view of the teachings of Waters, in order to facilitate rapid assembly and

Art Unit: 4128

disassembly without the use of nuts and bolts. Doing so allows for easy use of the device.

Regarding claim 14, the modified Choksi, as applied to claim 13, discloses an incontinence management system but DIFFERS in that it does not include indexing elements on the valve that comprise first and second fingers extending radially inward from an inner circumference of the connecting portion, and wherein the indexing elements of the receptacle neck comprise an outwardly extending finger cooperating with the fingers of the valve cap to limit rotation of the valve cap relative to the receptacle. Attention, however, is direct to Waters. Waters discloses indexing elements (Waters, 9 in Fig. 1) on the valve cap (Waters, 200 in Fig. 1) that comprise first and second fingers (Waters, 14 in Fig. 1) extending radially inward from an inner circumference (Waters, 100 in Fig. 1) of the connecting portion (Waters, 10 in Fig. 1), and wherein the indexing elements (Waters, 9 in Fig. 1) of the receptacle neck (Waters, 300 in Fig. 1) comprise an outwardly extending finger (Waters, 9 in Fig. 1) cooperating with the fingers (Waters, 14 in Fig. 1) of the valve cap (Waters, 200 in Fig. 1) to limit rotation of the valve cap (Waters, 200 in Fig. 1) relative to the receptacle (Waters, 300 in Fig. 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the modified Choksi to include indexing elements on the valve that comprise first and second fingers extending radially inward from an inner circumference of the connecting portion, and wherein the indexing elements of the receptacle neck comprise an outwardly extending finger cooperating with the fingers of the valve cap to limit rotation of the valve cap relative to the receptacle, in view of the

Art Unit: 4128

teachings of Waters, in order to facilitate rapid assembly and disassembly of the device. Doing so allows for easy use of the device.

Regarding claim 15, the modified Choksi, as applied to claim 14, discloses an incontinence management system but DIFFERS in that it does not include indexing elements on the valve cap that further comprises locking tabs. Attention, however, is direct to Waters. Waters discloses indexing elements (Waters, 9 in Fig. 1) on the valve cap (Waters, 200 in Fig. 1) that further comprises locking tabs (Waters, 15 in Fig. 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the modified Choksi to include indexing elements on the valve cap that further comprises locking tabs in order to provide a locking that is entirely within the confines of the coupling in the device. Doing so would provide an effective locking device while eliminating excess and cumbersome parts.

Regarding claim 16, the modified Choksi, as applied to claim 15, discloses an incontinence management system but DIFFERS in that it does not include indexing elements on the receptacle neck comprising complementary locking arrows frictionally engaging the locking tabs of the valve cap in a locked condition. Attention, however, is direct to Waters. Waters discloses indexing elements (Waters, 9 in Fig. 1) on the receptacle neck (Waters, 300 in Fig. 1) comprising complementary locking arrows (Waters, 7 in Fig. 1) frictionally engaging the locking tabs (Waters, 15 in Fig. 1) of the valve cap (Waters, 200 in Fig. 1) in a locked condition. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the Choksi reference to include indexing elements on the receptacle neck comprising

Art Unit: 4128

complementary locking arrows frictionally engaging the locking tabs of the valve cap in a locked condition. Doing so would eliminate excess and cumbersome parts in order to provide a locking that is entirely within the confines of the coupling in the device. Doing so would provide an effective locking device while eliminating excess and cumbersome parts.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choksi (as discussed supra) in view of Rogers, III et al. (US 3,835,857), hereinafter Rogers.

Regarding claim 9, Choksi discloses a collection bag (76 in Fig. 1), but DIFFERS in that it does not mention the degree of transparency of the side walls of the bag.

Attention, however, is directed to Rogers which discloses a collection bag (Rogers, 24 in Fig. 2) with a transparent side (Rogers, 49 in Fig. 2, see column 6, line 25-40).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Choksi to include a collection bag with a transparent side, in view of the teachings of Rogers, in order to indicate the volume of liquid within the bag. Doing so allows user to know the level of fluid in the bag.

### ***Double Patenting***

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct



Art Unit: 4128

from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 6 of U.S. Patent No. 7,143,768. Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, the difference between the patented claim 1 and the instant claim 1 are minor and obvious from each other. The instant claim 1 includes multiple indexing elements instead of just one for a multiplied effect. This is simply a duplication of parts for locating the check valve in a single operative

Art Unit: 4128

orientation. Duplication of parts for a multiplied effect is just an obvious variation of the patented claim for one skilled in the art at the time the invention was made.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY E. RICHERT whose telephone number is (571)270-5620. The examiner can normally be reached on Monday through Thursday, 9:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARY E RICHERT/  
Examiner, Art Unit 4128

/Khoa D. Huynh/  
Supervisory Patent Examiner, Art Unit 4128